

09/16/2003

HHB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

ROBERT J. THATE,

Opposer,

v.

YAYA, LLC,

Applicant.



09-02-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #39

Opposition No. 91152180

Mark: YAYA (Appl. Ser. No. 76/105,574)

Opposition No. 91152228

Mark: YAYA.COM (Appl. Ser. No. 76/105,571)

Opposition No. 91152320

Mark: YAYA.COM (Appl. Ser. No. 76/105,564)

Opposition No. 91152712

Mark: YAYA (Appl. Ser. No. 76/198,605)

CONSOLIDATED BY T.T.A.B. ORDER

Our Ref No. 64234-0020

**MOTION TO SUBSTITUTE ASSIGNEE YAYA MEDIA, INC. AS APPLICANT**

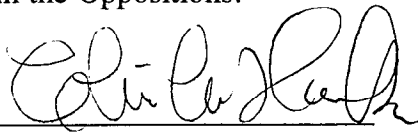
Pursuant to Trademark Trial and Appeal Board (the "Board") Manual of Procedure ("TBMP") § 512.01, Applicant YaYa, LLC hereby requests that Assignee YaYa Media, Inc. be substituted as the Applicant in Opposition Nos. 91152180, 91152228, 91152320, and 91152712 (the "Oppositions"), which have been consolidated by the Board's Order.

The federal trademark registrations which are the subject of the Oppositions, specifically, Application Serial Nos. 76/105,574, 76/105,571, 76/105,564, and 76/198,605 (the "Applications"), were assigned by Applicant YaYa, LLC to Assignee YaYa Media, Inc. See the Declaration of Christina Harvell Brown submitted concurrently herewith, ¶ 2, Exhibit ("Exh.") A. The assignments of the Applications were submitted on or about June 3, 2003 for

recording to the Assignment Services Division of the United States Patent and Trademark Office. Id.

Therefore, Applicant respectfully requests that the Board substitute YaYa Media, Inc. for YaYa, LLC as the Applicant in the Oppositions.

DATED: August 28, 2003

By:   
Bernard R. Gans  
Christina Harvell Brown  
Attorneys for Applicant  
JEFFER, MANGELS, BUTLER & MARMARO LLP  
1900 Avenue of the Stars, Sixth Floor  
Los Angeles, California 90067  
Tel.: (310) 203-8080; Fax: (310) 203-0567

#### CERTIFICATE OF MAILING

The undersigned hereby declares under the penalty of perjury that the enclosed **MOTION TO SUBSTITUTE ASSIGNEE YAYA MEDIA, INC. AS APPLICANT** was forwarded to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, via first class mail, postage prepaid, on August 28, 2003.

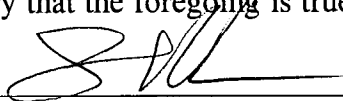
  
Simone Robinson

#### PROOF OF SERVICE

The undersigned hereby declares that on August 28, 2003 the enclosed **MOTION TO SUBSTITUTE ASSIGNEE YAYA MEDIA, INC. AS APPLICANT** was served on the party listed below via U.S. Mail:

Mr. Robert J. Thate  
519 Red Birch Road  
Millersville, MD 21108

I declare under penalty of perjury that the foregoing is true and correct.

  
Simone Robinson

76/105571, 76/105574, 76/138192 and 76/198605

ALSCHULER GROSSMAN STEIN & KAHAN LLP  
ATTORNEYS AT LAW

TAMMY LONG  
PARALEGAL  
TLONG@AGSK.COM  
DIRECT DIAL: 310-255-9031  
DIRECT FAX: 310-907-2031

OUR FILE NUMBER  
12806-203702

June 3, 2003

BY U.S. MAIL

Commissioner of Patents and Trademarks  
Box ASSIGNMENTS  
Washington, D.C. 20231

FEE

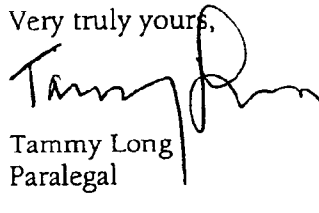
Re: **Assignment of Application Nos. 76/105564,  
76/105571, 76/105574, 76/138192 and 76/198605**

Dear Sir:

Enclosed please find an original signed Deed of Trademark Assignment ("Assignment"), executed and notarized on May 30, 2003, together with a Recordation Form Cover Sheet, Trademarks Only.

Please record the Assignment and return the enclosed self-addressed stamped postcard evidencing the same to the undersigned at your earliest convenience. A check for the recording fees in the amount of \$140.00 is enclosed herewith.

Very truly yours,



Tammy Long  
Paralegal

TSL  
Enclosures  
697324

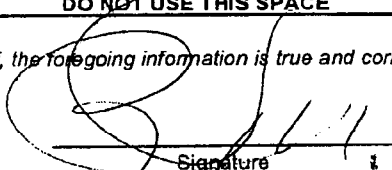
cc: William A. Finkelstein, Esq.  
Brian D. Lazarus, Esq.

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THE WATER GARDEN

1620 26<sup>TH</sup> STREET • FOURTH FLOOR • NORTH TOWER • SANTA MONICA, CA 90404-4060  
TELEPHONE: 310-907-1000 • [www.agsk.com](http://www.agsk.com) • FACSIMILE: 310-907-2000

004163/200017149

Form PTO-1594 (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings ⇌ ⇌ ⇌		<b>RECORDATION FORM COVER SHEET</b> <b>TRADEMARKS ONLY</b>		U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.					
<b>1. Name of conveying party(ies):</b>  YaYa, LLC  <input type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Other <u>Delaware limited liability company</u>  Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<b>2. Name and address of receiving party(ies)</b>  Name: <u>YaYa Media, Inc.</u> Internal Address: _____  Street Address: <u>12300 Wilshire Boulevard, Suite 400</u> City: <u>Los Angeles</u> State: <u>CA</u> Zip: <u>90025</u>  <input type="checkbox"/> Individual(s) citizenship _____ <input type="checkbox"/> Association _____ <input type="checkbox"/> General Partnership _____ <input type="checkbox"/> Limited Partnership _____ <input checked="" type="checkbox"/> Corporation <u>Delaware</u> <input type="checkbox"/> Other _____  <small>If assignee is not domiciled in the United States, a domestic representative designation is attached: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          (Designations must be a separate document from assignment)          Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</small>		
<b>3. Nature of conveyance:</b> <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: _____			<b>4. Application number(s) or registration number(s):</b>  A. Trademark Application No.(s) <u>76/105564, 76/105571, 76/105574, 76/138192,</u> <u>76/198605</u>  Additional number(s) attached <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>5. Name and address of party to whom correspondence concerning document should be mailed:</b>  Name: <u>William A. Finkelstein, Esq.</u>  Internal Address: _____  _____  Street Address: <u>c/o Alschuler Grossman Stein &amp; Kahan</u> <u>1620 26th Street, Fourth Floor, North Tower</u>  City: <u>Santa Monica</u> State: <u>CA</u> Zip: <u>90404</u>			<b>6. Total number of applications and registrations involved:</b> <span style="border: 1px solid black; padding: 2px 5px;">5</span>  <b>7. Total fee (37 CFR 3.41):</b> <u>\$ 140.00</u>  <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account  <b>8. Deposit account number:</b> _____  <small>(Attach duplicate copy of this page if paying by deposit account)</small>		
<b>DO NOT USE THIS SPACE</b>					
<b>9. Statement and signature.</b> <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i>  <div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"> <u>Ronald J. Tassinari</u>          Name of Person Signing       </div> <div style="width: 30%; text-align: center;">           Signature       </div> <div style="width: 20%; text-align: right;"> <u>May 22, 2003</u>          Date       </div> </div> <div style="text-align: right; margin-top: 10px;"> <span style="border: 1px solid black; padding: 2px 5px;">2</span> </div>					

691398

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patent & Trademarks, Box Assignments  
 Washington, D.C. 20231

9/24/16/2002TTAE

**DEED OF TRADEMARK ASSIGNMENT**

TO ALL IT MAY CONCERN, be it known that for good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, YaYa, LLC, a Delaware limited liability company, now having its principal place of business at 1250 4th Street, Suite 580, Santa Monica, California 90401, hereby sells, assigns and transfers to YaYa Media, Inc., a Delaware corporation, having its principal place of business at 12300 Wilshire Boulevard, Suite 400, Los Angeles, California 90025, its successors and assigns, the entire right, title and interest in and to the trademarks represented by the applications listed below, in relation to a transfer of its business in the United States pertaining to the trademarks, the goodwill of the business associated with the said trademarks, and including the following trademark applications therefor:

<u>Trademark</u>	<u>Application No.</u>	<u>Application Date</u>
YAYA.COM	76/105564	August 9, 2000
YAYA.COM	76/105571	August 9, 2000
YAYA	76/105574	August 9, 2000
ZOOMLET	76/138192	September 28, 2000
YAYA	76/198605	January 20, 2001

By: [Signature]  
Name: Jeremy Milken  
Title: Manager

STATE OF CALIFORNIA )  
 ) ss:  
COUNTY OF LOS ANGELES )

Jeremy Milken, being duly sworn, deposes and says that he/she is Manager of YaYa, LLC, and that he/she has executed this Assignment for and on behalf of YaYa, LLC, being duly authorized to do so.

Subscribed and sworn to before me  
this 30th day of May, 2003

Reese Ella Day  
Notary Public



LAW OFFICES OF  
**ALSCHULER GROSSMAN STEIN & KAHAN LLP**  
1620 26TH STREET, SUITE 4000 N  
SANTA MONICA, CALIFORNIA 90404-4060

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18-1606/1220

CHECK NO. 74636

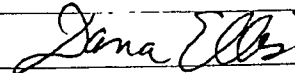
DATE  
06/03/03

AMOUNT  
\*\*\*\$140.00\*\*\*

VOID AFTER 90 DAYS

PAY  
TO THE  
ORDER  
OF:

COMMISSIONER OF PATENTS AND  
TRADEMARKS



TWO SIGNATURES REQUIRED IF OVER \$10,000

MF

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Payee: COMMISSIONER OF PATENTS AND TRADEMAR  
Vendor ID: 00195

Check #: 74636  
Check Date: Jun 03, 2003

<u>Disb Date</u>	<u>Disb ID</u>	<u>Disbursement Description</u>	<u>Client</u>	<u>Matter</u>	<u>Amount</u>
6/3/2003	991409	FILING FEE	12806	203702	\$140.00

PAYEE: COMMISSIONER OF PATENTS AND TRADEMARKS; REQUEST#: 37042; DATE: 6/3/2003.  
Trademark Assignment Filing Fee

Disbursements Total: \$140.00